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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,190	01/22/2002	Bernadette M. Gibbs	53394.000564	9683
56679	7590	03/15/2007	EXAMINER	
GOSZ AND PARTNERS, LLP 450 BEDFORD STREET LEXINGTON, MA 02420			REICHLE, KARIN M	
		ART UNIT	PAPER NUMBER	
		3761		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	03/15/2007		PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/051,190	GIBBS, BERNADETTE M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karin M. Reichle	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 January 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 2-22, 24 and 25 is/are pending in the application.  
4a) Of the above claim(s) 2, 5, 7 and 9-22 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 3-4, 6, 8 and 24-25 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-11-07 has been entered.

### ***Election/Restrictions***

2. Claims 2, 5, 7 and 9-22 are still withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4-22-05 and 2-22-05.

### ***Claim Language Interpretation***

3. The claim language is interpreted in light of the definitions set forth on page 6, line 11-page 7, line 22, page 8, lines 2-4, 8-10, and 21-24, page 9, lines 19-23, page 16, line 22-page 17, line 1, and page 19, lines 7-12 and 16-18. It is again noted that "tab" is defined by the dictionary as "a projection, flap or short strip attached to an object to facilitate opening, handling or identification". It is further noted that the claim terminology "unitary" is not explicitly defined. It is further noted that "unitary" is defined by the dictionary as "Of or pertaining to a

unit. Having the nature of a unit; whole. Based on or characterized by one or more units". "Unit" is defined by the dictionary as "a mechanical part or module. An entire apparatus or the equipment that performs a specific function". Therefore, it is noted that a monolithically formed tab has still not been claimed, i.e. the tab can be formed of composite element, i.e. of integrally connected portions, and still be "unitary" as defined. It is further noted that the fastener tab 32 described by the instant application is not monolithically formed but rather a composite element, see Figure 3 of the instant application, i.e. formed of integrally connected portions so as to be "unitary". It is noted that claims 24 and 25 now require a dead zone attached to and located substantially in a central region of the tab chassis. This is interpreted to require a dead zone which is attached to, directly or indirectly, the central third of the tab chassis and more than 50% of which is located in such central third. It is noted that neither the claims nor the description specifically define what the extent of the central region is relative to the other regions/zones or the tab chassis nor do they require that the dead zone overlie the centerline of the tab chassis but the claim does define such zone as dividing the tab chassis into two regions, i.e. three regions/zones. Claims 24 and 25 also require a gripping zone attached to and located substantially at an edge of the tab chassis within the longitudinal perimeter of such chassis. Such language will be interpreted to require a gripping zone, i.e. a zone which has the capability of being gripped, which is attached to, directly or indirectly, an edge of the tab chassis and more than 50% of which is located at such edge within the longitudinal perimeter of such chassis. It is noted that in Figures 3 and 4 and on page 19, lines 13-19 of the instant application, a tab chassis 110 is described as having a gripping zone 130 which can be any portion of the tab and may be a dead zone and may have a fastener 120 thereon. Therefore, in light of such description, the

gripping zone as now claimed in claims 24 and 25 is also interpreted to encompass a zone which has the capability of being gripped (It is noted that it is not claimed what it is gripped by) and is attached, i.e. directly, e.g. monolithically formed with, or indirectly, to an edge of the tab chassis and more than 50% of which is located at such edge within the longitudinal perimeter of such chassis and may be a dead zone and may have a fastener thereon (It is noted that the claims do not require the tab itself include a fastener). Claims 24 and 25 also now require a tab chassis attachable or attached to one of the waist regions of the garment, said tab chassis comprising a single sheet of elastic material extending along the entire length of the tab, said sheet of elastic material defining the longitudinal perimeter of the tab, wherein the longitudinal direction of the tab is defined as a direction substantially perpendicular to the longitudinal direction of the garment. Therefore such claims are interpreted to require a tab chassis including at least, i.e. at a minimum, a sheet of elastic material extending the entire length of the tab, i.e. defining the longitudinal perimeter of the tab.

#### *Claim Objections*

4. Claims 3-4, 6, 8 and 24-25 are objected to because of the following informalities: in claim 25, line 4, after “top sheet”, --,-- should be inserted. In claim 24, line 4, “attached” should be --directly attachable-- to be consistent with the preamble, i.e. “for direct attachment”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 3-4, 6, 8 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson GB '067.

Claims 24-25: See the Claim Language Interpretation section *supra* and '067 at the Figures, especially 5, 9-14, and, e.g., page 6, line 16-page 7, line 27, page 19, lines 17 et seq, page 20 lines 5-8 and lines 6-7 especially with respect to the instant claim 25, page 20, line 22-page 21, line 20 (and thereby '753 at Figure 10 especially with respect to the instant claim 25), page 23, line 20-page 25, line 5, page 25, line 23-page 27, line 27, page 29, lines 2-7, page 31, line 23-page 32, line 20 and page 36, lines 1-18, i.e. the garment is 20, the waist regions are 40 and 38, the chassis is at least 22, 26 and 24, the topsheet is 24, the backsheet is 22, the core is 26, the "unitary" "tab" is 90, see the Claim Language Interpretation section *supra* and cited portions, positioned between and directly attached, and thus attachable to, the topsheet and back sheet of a waist region of 20, and has or comprises a chassis which can comprise a single sheet of elastic material extending along the entire length of the tab as seen in the Figures such as Figures 9, 11 and 14 and/or described in the paragraph bridging pages 20-21 of '067, which sheet defines the longitudinal perimeter of the tab, see the Figures, wherein the longitudinal direction of the tab is defined as a direction substantially perpendicular to the longitudinal direction of the garment, see the Figures, a dead zone 98, a first elastic zone on one side of 98 and a second elastic region is on the opposite side of 98 between 98 and at least the edge adjacent region 92, and a zone 80 attached, i.e. directly, e.g. monolithically formed with, or indirectly, to and located substantially

at an edge of the tab chassis within the longitudinal perimeter of such chassis. The stretch resistance of the first zone is at least as great as that of the second zone since they are formed of the same elastic material. The dead zone, i.e. the stress beam section 98, is explicitly disclosed as being formed of nonelastic material or densified or embossed portions of the 90, i.e. stiffer than the portions forming the elastic regions, and attached to the tab chassis. Therefore it is the Examiner's first position that the Johnson reference explicitly teaches a "dead zone" having more stretch resistance than the elastic regions. In any case, the Examiner's second position, the factual evidence of the composition of the stress beam sections is sufficient for one to conclude that the stress beam section of Johnson inherently has more stretch resistance than the elastic regions, see MPEP 2112.01. As shown in, e.g., Figure 13, a dead zone, i.e. 124 or at least one of 122, is attached to and has more than 50% thereof located in the central third of 89. The zone 80 is explicitly disclosed as being directly connected to, i.e. gripped by, a fastener, see '067, e.g., at page 29, lines 37, or indirectly, i.e. gripped by, the fingers, see '067 at, e.g., page 36, lines 12-14. Therefore it is the Examiner's first position that the Johnson reference explicitly teaches a zone 80 which is a "gripping" zone, especially since it is not set forth what is being gripped and how it is gripped, e.g. directly and/or indirectly. In any case, the Examiner's second position, especially since it is not set forth what is being gripped and how it is gripped, the factual evidence of the zone being attached, i.e. directly, e.g. monolithically formed with, to and located substantially, i.e. more than 50% of which is located, at an edge of the tab chassis within the longitudinal perimeter of such chassis which is attached to a fastener and which may "dead", see page 19, lines 10-11 and 13-19 of the instant application and '067 at the cited portions, especially page 29, lines 3-7 thereof, i.e. "dead" due to the attaching means, is sufficient for one to conclude that the

zone of Johnson inherently defines a “gripping zone” as claimed, see MPEP 2112.01. Again such zone 80 is attached to and located substantially at an edge of the tab chassis within the longitudinal perimeter of such chassis, see Claim Language Interpretation section supra.

Claims 3-4, 6, and 8: See the Figures specified supra.

7. Claims 3, 6, 8 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Huber ‘411.

Claims 24-25: See the Claim Language Interpretation section supra, and ‘411 at the Figures, e.g., col. 3, lines 19-34, col. 7, lines 54-55, col. 8, line 6-col. 10, line 4, especially col. 8, lines 16-24 (and thereby ‘801 at, e.g., col. 7, lines 41-46 (and thereby ‘092 at col. 34, lines 23-58 (and thereby ‘753 at, e.g., Figure 10) especially with respect to the instant claim 25), and ‘801 at col. 21, line 31-col. 22, line 19, esp. col. 21, line 54), and ‘411 at col. 8, line 66-col. 9, line 19 and col. 10, line 66-col. 11, line 55, i.e. the garment is 20, the waist regions are 45 and 46, the chassis is 22, the topsheet is 24, the backsheet is 26, the core is 28, the “unitary” “tab” is 36-436, see the Claim Language Interpretation section supra and cited portions, positioned between and directly attached, and thus attachable”, to the topsheet and back sheet of a waist region, see cited portions of ‘411, ‘801, ‘092 and ‘753 discussed supra, and has or comprises a chassis which can comprise a single sheet of elastic material extending along the entire length of the tab as seen in the Figures and/or, e.g., in ‘411 at col. 8, lines 16-24 and col. 9, lines 1-19 and/or ‘801 at, e.g., col. 21, line 54, which sheet defines the longitudinal perimeter of the tab, see the Figures, wherein the longitudinal direction of the tab is defined as a direction substantially perpendicular to the longitudinal direction of the garment, see the Figures, a zone, e.g. separation zone 110, 210, 310, 410, an elastic region/zone, e.g., leg zone 100, 200, 300, 400, 500 or waist zone 105,

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205, 305, 405 or 505, and another elastic region/zone, e.g., waist zone 105, 205, 305, 405, 505 or leg zone 100, 200, 300, 400, or 500, resp., and a “grasping” zone, e.g. 115 and/or 40, 140, 315 and/or 240, 415 and/or 340, or 440, attached, i.e. directly, e.g. monolithically formed with, or indirectly, to and located substantially at an edge of the tab chassis within the longitudinal perimeter of such chassis of the tab. The stretch resistance of one of the elastic zones is at least as great as that of the other zone, see, e.g. col. 8, lines 46-65 since they are formed of elastic material having different, i.e. one at least as great as the other, extension forces. See also col. 9, lines 14-15 of ‘411. The zone, i.e. the separation zone, is explicitly disclosed as being nonextensible due to material(s) or portions of the tab chassis being bonded so as to be rendered nonextensible, i.e. stiffer than the portions forming the elastic regions and attached to the tab chassis, see, e.g. col. 9, lines 5-11. Therefore it is the Examiner’s first position that the Huber reference explicitly teaches a “dead zone”, i.e. the separation zone, having more stretch resistance than the elastic regions. In any case, the Examiner’s second position, the factual evidence of the composition of the separation zone is sufficient for one to conclude that the separation zone of Huber inherently has more stretch resistance than the elastic regions, see MPEP 2112.01. As shown in, e.g., the Figures, a “dead” zone, e.g. one of the embodiments of the separation zone discussed supra, is attached to and has more than 50% thereof located in the central third of the tab chassis, e.g. one of the embodiments of the side panel. The zone, e.g. 115 and/or 40, 140, 315 and/or 240, 415 and/or 340, or 440, is explicitly disclosed as attached, i.e. directly, e.g. monolithically formed with, or indirectly, to and located substantially at an edge of the tab chassis within the longitudinal perimeter of such chassis of the tab and being a “grasping” zone, see ‘411, e.g., at col. 10, lines 1-4 and 46-65, i.e. gripped directly and/or indirectly by the

fingers. Therefore it is the Examiner's position that the Johnson reference explicitly teaches a zone which is a "gripping zone", especially since it is not set forth what is being gripped and how it is gripped. In any case, i.e. the Examiner's second position, especially since it is not set forth what is being gripped and how it is gripped, the factual evidence of the zone being attached, i.e. directly, e.g. monolithically formed with, or indirectly, to and located substantially, i.e. more than 50% of which is located, at an edge of the tab chassis within the longitudinal perimeter of such chassis of the tab and being a "grasping" zone, which is attached to a fastener and which may "dead", see page 19, lines 10-11 and 13-19 of the instant application and '411 at the cited portions, especially col. 10, lines 1-4 thereof i.e. "dead" due to nonextensibility, is sufficient for one to conclude that the zone of Huber inherently defines a "gripping zone" as claimed, see MPEP 2112.01. Again such zone is attached to and located substantially at an edge of the tab chassis within the longitudinal perimeter of such chassis, see Claim Language Interpretation section supra.

Claims 3, 6, and 8: See the Figures, esp. edges of resp. leg and waist zones discussed supra.

### ***Double Patenting***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 3-4, 6, 8, 24 and 25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-52 of U.S. Patent No. 6,740,071 in view of Johnson '067. Although the conflicting claims are not identical, they are

not patentably distinct from each other because since this application was filed after the patents, the In re Vogel one way test applies, i.e. is the invention of the application obvious in view of the invention of the claims of the patent? The answer is yes. The claims of the application are both broader and narrower than the claims of the patent. Specifically the application claims do not require 1) the dead zone necessarily be inelastic, the stretch of a first elastic region extending from the waist region to the zone having only a greater stretch than a second elastic region on the other side of the zone and the tensile forces as claimed in claim 25 and the specifics of claims 26-52 but does require 2) a dead zone attached to and located substantially in a central region of the tab chassis as claimed in claims 24 and 25, a tab chassis comprising a single sheet of elastic material extending the length of the tab, and thereby the longitudinal perimeter thereof, and the gripping zone located at an edge of the chassis within the longitudinal perimeter thereof as now claimed in claims 24-25, the shape and orientation of such zone as claimed in claims 3-4 and an absorbent garment having a chassis, i.e. top and backsheets, and a core as claimed in claim 25, and thus, explicitly, the edge as claimed in claim 8. With regard to claim 6, see claim 30 of the patent. With regard to 1), in essence once the applicant has received a patent for a species or more specific embodiment he/she is not entitled to a patent for the generic or broader invention. This is because the more specific anticipates the broader. Thus the respective patent claims anticipate the application claims. See In re Goodman, supra. With regard to 2), see claims 34-39 and 48-50 and the preamble of claim 25 of '071, i.e. the tab is intended to be used with an absorbent garment and the dead zone is between and can be longer, shorter or the same length as the elastic regions, i.e. occupies some portion of the tab between the two elastic regions. Furthermore see the cited portions of Johnson supra, i.e. absorbent garments are known to

include a chassis, i.e. top and backsheets, and a core, a tab chassis comprising a single sheet of elastic material extending the length of a tab, and thereby the longitudinal perimeter thereof, zones which function as less elastic zones positioned between more elastic regions substantially located in a center region of the tab chassis, i.e. the lengths of the regions and dead zone are such as to substantially centrally locate the zone, are rectangular and are oriented to have a longitudinal axis of such shape perpendicular to the longitudinal axis of the tab but parallel to the longitudinal axis of the absorbent garment and a gripping zone located at an edge of the chassis within the longitudinal perimeter thereof. Therefore, to employ an absorbent article having a chassis and core as taught by Johnson in combination with the claimed tab would be obvious to one of ordinary skill in the art in view of the recognition that such structure of an absorbent garment is known and the desire of the application claims to be used for, i.e. in combination with, absorbent garments. Furthermore to make the tab with a chassis comprising a single sheet of elastic material extending the length of a tab, the zone which functions as a less elastic zone between more elastic regions of the patent claims one which is substantially located in the center zone of the tab chassis, i.e. the lengths of the regions and zone are such as to centrally locate the zone, rectangular, and oriented to have a longitudinal axis of such shape perpendicular to the longitudinal axis of the tab but parallel to the longitudinal axis of the absorbent garment and a gripping zone located at an edge of the tab chassis within the longitudinal perimeter thereof as taught by Johnson would be obvious, see *In re Siebentritt*, 54 CCPA 1083 (two equivalents are interchangeable for their desired function, express suggestion of desirability of substitution not needed to render such substitution obvious). In so doing, the tab would necessarily and inevitably also have edges which function as claimed in application claim 8. With regard to the

added claim language, see “unitary” as defined by the Claim Language Interpretation section supra, the claims of the patent, i.e. the “tabs” therein are “unitary”, and the teachings of Johnson, i.e. “tab” directly attached or combined with the absorbent garment.

10. Claims 3-4, 6, 8, 24 and 25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26-54 of U.S. Patent No. 6,692,477 in view of Johnson ‘067. Although the conflicting claims are not identical, they are not patentably distinct from each other because since this application was filed after the patents, the In re Vogel one way test applies, i.e. is the invention of the application obvious in view of the invention of the claims of the patent? The answer is yes. The claims of the application are both broader and narrower than the claims of the respective patent. Specifically the application claims do not require 1) the dead zone necessarily be inelastic, the stretch of the first elastic region extending from the waist region having only a greater stretch than a second elastic region on the other side of the inelastic zone claimed in claim 26 and the specifics of claims 27-54 but does require 2) a dead zone attached to and located substantially in a central region of the tab chassis as claimed in claims 24 and 25, a tab chassis comprising a single sheet of elastic material extending the length of the tab, and thereby the longitudinal perimeter thereof, and the gripping zone located at an edge of the chassis within the longitudinal perimeter thereof as now claimed in claims 24-25 and an absorbent garment having a chassis, i.e. top and backsheets, and a core as claimed in claim 25, and thus, explicitly, the edge as claimed in claim 8. With regard to claims 3-4 and 6, see claims 26 and 31 of the patent. With regard to 1), in essence once the applicant has received a patent for a species or more specific embodiment he/she is not entitled to a patent for the generic or broader invention. This is because the more specific anticipates the broader.

Thus the respective patent claims anticipate the application claims. See *In re Goodman*, *supra*. With regard to 2), see claims 35-40 and 50-52 and the preamble of claim 26 of the patent, i.e. the tab is intended to be used with an absorbent garment and the dead zone is between and can be longer, shorter or the same length as the elastic regions, i.e. occupies some portion of the tab chassis between the two elastic regions. Furthermore see the cited portions of *Johnson* *supra*, i.e. absorbent garments are known to include a chassis, i.e. topsheet and backsheets, and a core, a tab chassis comprising a single sheet of elastic material extending the length of a tab, and thereby the longitudinal perimeter thereof, zones which function as less elastic zones positioned between more elastic regions are substantially located in the center region of the tab chassis, i.e. the lengths of the regions and zone are such as to substantially centrally locate the zone and a gripping zone located at an edge of the chassis within the longitudinal perimeter thereof. Therefore, to employ an absorbent article having a chassis, i.e. top and backsheets, and core as taught by *Johnson* in combination with the claimed tab would be obvious to one of ordinary skill in the art in view of the recognition that such structure of an absorbent garment is known and the desire of the application claims to be used for, i.e. in combination with, absorbent garments. Furthermore to make the tab with a chassis comprising a single sheet of elastic material extending the length of a tab, the zone which functions as a less elastic region between more elastic regions of the patent claims one which is substantially located in the center region of the tab chassis, i.e. the lengths of the regions and zone are such as to substantially centrally locate the zone, and a gripping zone located at an edge of the tab chassis within the longitudinal perimeter thereof as taught by *Johnson* would be obvious, see *In re Siebentritt*, 54 CCPA 1083 (two equivalents are interchangeable for their desired function, express suggestion of desirability

of substitution not needed to render such substitution obvious). In so doing, the tab would necessarily and inevitably also have edges which function as claimed in application claim 8. With regard to the claim language “unitary”, see the discussion in paragraph 9 which also applies here.

*Response to Arguments*

11. Applicant's remarks have been carefully considered but are deemed either deemed moot in that they have not been reraised or are deemed not persuasive for the reasons set forth supra. Specifically Applicant's remarks with regard to the claims and the prior art to Johnson are deemed not persuasive because such are deemed narrower in scope than the claim language and narrower than the teachings of Johnson, i.e. the claim language does not patentably distinguish over the teachings of Johnson for the reasons set forth supra, i.e. structure 90 is a “unitary” “tab”. Applicant's remarks with regard to the double patenting rejections have been noted.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The '062 reference is the 'PCT of Huber '411. Note Figures 3-4 compared to those of '411. The '873 reference also teaches a zoned fastener.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*K. M. Reichle*  
Karin M. Reichle  
Primary Examiner  
Art Unit 3761

KMR  
March 6, 2007